

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ASTUTE IMAGING, LLC, a Delaware limited
liability company,

Plaintiff,

v.

SHOULDER INNOVATIONS, INC., a
Delaware corporation; GENESIS
INNOVATION GROUP, LLC, a Delaware
limited liability company; and GENESIS
SOFTWARE INNOVATION, LLC, a Michigan
limited liability company,

Defendants.

Case No. 2:23-cv-01097-MJP

STIPULATION AND [PROPOSED]
ORDER TRANSFERRING MATTER
TO THE WESTERN DISTRICT OF
MICHIGAN, DENYING
DEFENDANTS' MOTION TO
DISMISS AS MOOT, AND
GRANTING PLAINTIFF LEAVE TO
AMEND

STIPULATION

The parties, by and through their attorneys of record, stipulate to entry of the proposed Order (i) transferring this matter to the Western District of Michigan, (ii) denying Defendants' pending motion to dismiss as moot, and (iii) granting Plaintiff leave to amend its Complaint.

In support of this request, the parties respectfully submit the following to the Court:

1. Plaintiff ASTUTE IMAGING, LLC ("**Plaintiff**") filed a complaint against Defendants SHOULDER INNOVATIONS, INC., GENESIS INNOVATION GROUP, LLC,

1 and GENESIS SOFTWARE INNOVATION, LLC (collectively, “**Defendants**”) on August 20,
2 2023. Dkt. #1.

3 2. Defendants filed a motion to dismiss for lack of personal jurisdiction and
4 improper venue, or in the alternative to transfer, and to dismiss for failure to state a claim on
5 October 20, 2023. Dkt. #16.

6 3. Based on the current record, the parties agree that venue in the Southern
7 Division of the Western District of Michigan is appropriate and that the Court should transfer
8 the matter to the Southern Division of the Western District of Michigan pursuant to 28 U.S.C.
9 § 1404(a).

10 4. The parties agree that Plaintiff may file an amended complaint in the new
11 venue no later than November 27, 2023, and that Defendant may respond and/or answer the
12 complaint no later than December 18, 2023.

13 5. Based on the foregoing agreements, the Court should deny Defendants’
14 motion to dismiss as moot.

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17 **ORDER**

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19 **IT IS SO ORDERED:**

20 1. The Clerk shall transfer this matter to the Southern Division of the Western
21 District of Michigan;

22 2. Plaintiff is GRANTED leave to amend the complaint and shall file an
23 amended complaint, if any, no later than November 27, 2023;

24 3. Defendants shall respond and/or answer the operative complaint no later than
25 December 18, 2023; and
26

4. Defendants' motion to dismiss (Dkt. #16) is DENIED as moot.

Dated this _____ day of November, 2023.

HON. MARSHA J. PECHMAN
United States District Judge

DATED: November 13, 2023.

Jointly Presented:

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